

# Lawyer Says Spying Suspect Is Ready to Implicate Instigator

By ROBERT LINDSEY

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SAN FRANCISCO, Oct. 19 — The lawyer for James Durward Harper Jr. says his client is prepared to testify that William B. Hugle, a prominent entrepreneur in the California electronics industry, was the instigator of an espionage operation that sold American secrets to Poland.

The lawyer, William Dougherty, said in an interview that on Mr. Harper's behalf he would attempt to negotiate a plea bargain with the Justice Department under which he would testify against Mr. Hugle and, in return, the Justice Department would seek a prison sentence shorter than he would otherwise receive.

Mr. Dougherty, who said he was reached by Mr. Harper in September 1981 after Mr. Harper had read about him in a book detailing his role defending Christopher John Boyce, the Soviet spy, negotiated with the Federal authorities for more than a year in an unsuccessful attempt to arrange for him to surrender under a grant of immunity.

In that time, Mr. Dougherty said he met with Mr. Harper, whose real name he did not know, at least seven times and spoke with him at least 50 times on the phone.

Early in these conversations, Mr. Dougherty said that Mr. Harper implicated Mr. Hugle as the organizer of the operation and, as long efforts to arrange for his immunity foundered, he grew fearful for his life. "My client's been scared to death that Hugle would kill him," he said.

On Monday the Federal authorities accused Mr. Harper, a 45-year-old freelance computer engineer, with having sold classified data about the Minuteman missile system to Polish agents since 1979. They said the value of the information to Communist bloc countries was "beyond calculation."

Today, Federal Magistrate Owen Woodruff ordered Mr. Harper held without bail because, he said, he could not be trusted. Referring to a Federal affidavit that detailed the charges and depicted Mr. Harper as having foreign bank accounts and traveling abroad extensively, the magistrate said, "You, for all practical purposes, commute between here and Europe."

In the arrest warrant affidavit made public on Monday, the Justice Department appeared to link Mr. Hugle closely to the alleged espionage but did not accuse him of any crimes. Among other things, the documents quoted Mr. Harper as saying that in May 1979, Mr. Hugle introduced him to a member of

the Polish intelligence service in Vienna and that the three men agreed on a plan under which Mr. Harper was to get documents about American military programs and deliver them to the Polish agent; it was agreed, the documents quoted Mr. Harper as saying, that Mr. Hugle was to get a third of the proceeds of the documents' sale.

## Hugle Took 5th Before Jury

Mr. Hugle has been unavailable publicly to respond to these allegations. On Monday, he appeared before a Federal grand jury here that is hearing evidence in the espionage case and, according to a lawyer familiar with the proceedings, he invoked his Fifth Amendment right not to testify because of possible self-incrimination. Efforts to reach Mr. Hugle to respond to the allegations against him have been unsuccessful.

In the Federal search warrant affidavit, Mr. Harper is quoted as saying that in Geneva in 1975, he was introduced by Mr. Hugle to Zdzislaw Prychodzien, "ostensibly an official in the Polish Ministry of Machine Industry," who was a Polish intelligence agent. It was then, Mr. Harper asserted, that he began collecting data about American technology for the Polish Government.

Records in Federal bankruptcy court indicate that Mr. Hugle had other dealings with Mr. Prychodzien.

In 1975, after one of several companies that Mr. Hugle had founded in the San Jose area got into financial trou-

ble, documents were filed with the bankruptcy court indicating that an agency of the Polish Government had bought more than \$600,000 worth of material from the company and that the name of one of the Poles his company dealt with was Zdzislaw Prychodzien.

## Justice Dept. Seeks Cooperation

In Washington, Justice Department officials indicated Tuesday that they were interested in having Mr. Harper's cooperation in investigating the possible role of Mr. Hugle and others in the espionage case, and it appeared this afternoon that Mr. Dougherty was already seeking to negotiate a plea bargain agreement for Mr. Harper with Justice Department officials.

Although Mr. Harper has been arrested, he not been indicted. Referring to Mr. Harper's admission of the crimes, Mr. Dougherty said he was willing to waive the indictment process and go directly to an alternative procedure under which the Government would file a summary of its case, called an "information," and his client would enter a plea. "There's no way it's going to a trial," he said in the interview.

Asked why he believed his client had become involved in espionage, Mr. Dougherty said: "He did it for the money and the thrill of it."